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4:30 p.m., 4:45 p.m. and 5 p.m. Exempt vessels shall be passed at any time.

Dated: July 23, 1987.

M.J. O'Brien,

*Captain, U.S. Coast Guard, Acting
Commander, Seventh Coast Guard District.*

[FR Doc. 87-17536 Filed 7-31-87; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD7-87-11]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, FL

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Florida Department of Transportation (FDOT) and St. Johns County, the Coast Guard is adding regulations governing the Vilano Beach drawbridge on State Road A1A at Vilano Beach, Florida, by permitting the number of openings to be limited during certain periods. This change is being made because of complaints about highway traffic delays. This action will accommodate the current needs of vehicular traffic and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on September 2, 1987.

FOR FURTHER INFORMATION CONTACT:

Mr. Wayne Lee, Chief, Bridge Section, Seventh Coast Guard District, telephone (305) 536-4103.

SUPPLEMENTARY INFORMATION: On April 30, 1987, the Coast Guard published proposed rules (52 FR 15735) concerning this amendment. The Commander, Seventh Coast Guard District, also published the proposal as a Public Notice dated May 15, 1987. In each notice, interested persons were given until June 15, 1987, to submit comments.

Drafting Information

The drafters of these regulations are Mr. Walt Paskowsky, Bridge Administration Specialist, project officer, and Lieutenant Commander S.T. Fuger, Jr., project attorney.

Discussion of Comments

Ten comments were received. Nine of the commenters supported timed operation of the Vilano Beach bridge. Several of these responses favored additional restrictions, such as opening only at 30-minute intervals, or scheduled operation at all times. One commenter, a local commercial vessel operator, asked to be allowed to pass at any time, for economic and safety reasons.

The Coast Guard has carefully considered the comments and believes

scheduled operation of the bridge as proposed would be the most reasonable compromise between navigation and vehicular traffic. The final regulation is unchanged from the proposed rule published on April 30, 1987.

Vessel holding area is limited south of the Vilano Beach bridge and waterway safety would be reduced if vessels were required to wait for more than 20 minutes. Suggestions to allow the bridge to remain closed for 30 minutes, therefore, have not been adopted. Bridge openings are most frequent during the period from mid-March through mid-December, indicating a need for seasonal, rather than year-around regulations.

Operation of the bridge on a 20-minute schedule should not have a significant impact on local commercial vessel operations. Openings would be at sufficiently frequent intervals to minimize disruption of existing departure and return schedules. The bridge would be required to open at any time for vessels in a situation where a delay would endanger life or property, as currently is the case. This provision adequately addresses concerns expressed about vessel passage during inclement weather or when passengers are ill or injured.

Because of the limited holding area on the south side of the bridge, FDOT will be required to post signs on the Bridge of Lions to inform mariners about Vilano Beach bridge opening times. This will allow mariners to time their passages to coincide with scheduled openings and should reduce the number of accumulated vessels at any given time.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. We conclude this because the regulations exempt tugs with tows. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 or Title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46 and 33 CFR 1.05-1(g).

2. Section 117.261(c) is added to read as follows:

§ 117.261 Atlantic Intracoastal Waterway from St. Marys River to Key Largo.

(c) *Vilano Beach (SR A1A), Mile 778 at Vilano Beach:* The draw shall open on signal, except that from March 15 through December 15, from 7 a.m. to 6 p.m. Monday through Friday, except federal holidays, and from 9 a.m. to sunset on Saturdays, Sundays and federal holidays, the draw need open only on the hour, twenty minutes after the hour, and forty minutes after the hour.

Dated: July 17, 1987.

M.J. O'Brien,

*Captain, U.S. Coast Guard, Acting
Commander, Seventh Coast Guard District.*

[FR Doc. 87-17537 Filed 7-31-87; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL-3238-2]

Approval and Promulgation of Air Quality Implementation Plans; Lead Plan for Omaha, NE

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve all portions of the Nebraska State Implementation Plan (SIP) for lead. All portions of the plan, except the control measures as they pertained to the Omaha area, had been approved previously. EPA proposed to approve the Omaha control measures on February 25, 1987, based upon a draft of the measures submitted by the Nebraska Department of Environmental Control (NDEC). The Governor of Nebraska officially submitted the SIP revision on February 2, 1987.

EFFECTIVE DATE: This rule will become effective on September 2, 1987.

ADDRESSES: Written comments on this action should be addressed to Dewayne E. Durst at the Environmental Protection Agency Regional Office, address listed

below. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Environmental Protection Agency, Region VII, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; Nebraska Department of Environmental Control, 301 Centennial Mall, Lincoln, Nebraska 68509; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:
Dewayne E. Durst at (913) 236-2893, FTS 757-2893.

SUPPLEMENTARY INFORMATION:

The pertinent background information concerning this final rule was presented in the proposed rulemaking which was published in the *Federal Register* on February 25, 1987 (52 FR 5554). No comments were received on the proposal. The proposal was based upon a draft of the SIP revision prepared and submitted by NDEC. This draft was the subject of a public hearing conducted in Lincoln, Nebraska, before the Nebraska Environmental Control Council on December 19, 1986. The Council adopted the SIP revision on the day of the hearing. No changes were made in the draft SIP as a result of testimony presented at the public hearing. The Governor of Nebraska officially submitted the lead SIP for Omaha on February 2, 1987.

What the Omaha Lead SIP Requires

The control strategy for the Omaha lead SIP consists of a number of control measures which will be implemented at the Asarco lead refinery. The refinery is the principal source of lead in the Omaha area. The control measures are contained in administrative orders issued to Asarco by NDEC. The orders require that:

1. Dust collected in certain baghouse cellars at the plant will be removed by vacuum truck. Formerly, the dust was removed by using front-end loaders, which allowed a great deal of material to become airborne during transfer of the dust to the vehicles which transported the material to the residue storage area. The operational practices for use of the vacuum truck are described in detail in work practice manuals which Nebraska has incorporated as enforceable requirements of the Omaha lead SIP.

2. Fugitive lead emissions will be reduced in the refinery building through the use of improved hooding with increased airflow, and by process changes to maintain materials in liquid rather than solid state, or by reducing

the temperature and thus reducing the vaporization of molten lead.

3. Dampers will be improved on the retort furnace exhaust systems to reduce leakage by approximately 40 percent and thus supply additional ventilation air to the hoods over the retort when they are being "pulled" or emptied, which is the period when lead emissions are highest.

4. The reverberatory furnace in the smelter building will be controlled by installing additional local exhaust hooding over the charging operation. The furnace will also be equipped with an automatic damper to prevent overpressures inside the furnace which cause excess lead emissions from the furnace.

5. Fugitive emissions from elevators, storage hoppers, product sacking machine, and other sources in the antimony oxide building will be controlled with new baghouses which increase building ventilation by 158 percent.

6. The emissions from stockpiles, unpaved areas, and plant traffic will be reduced by paving additional plant area and vacuum sweeping of those areas. The plant has purchased a spray truck to apply chemical dust suppressants to piles of slag, dross, and refractory brick, and to other unpaved plant areas. Application of dust suppressants and vacuum sweeping is governed by a detailed work practice manual.

7. The plant production limit will be reduced by 10 percent.

In addition to the new lead control measures which are required at the plant, the orders insure continued operation and monitoring of all existing control equipment and the continuation of all emission control practices which were included as part of the approved demonstration of attainment. If there are changes in control equipment at the plant or changes in control practices which would have the potential to increase lead emissions, such changes must be approved as SIP revisions. The orders also contain a compliance schedule which provides for increments of progress and final compliance for all control measures by February 1, 1988. The orders require certain recordkeeping which is considered necessary to insure continued compliance with the requirements of the orders.

Final Action

Based upon a review of the Omaha lead SIP revision submitted by the state of Nebraska on February 2, 1987, EPA approves the SIP as meeting the requirements of 40 CFR 51.111, Description of Control Measures

(formerly 40 CFR 51.87, Control Measures, Pb) and 40 CFR 51.112, Demonstration of Adequacy (formerly 40 CFR 51.80, Demonstration of Attainment, Pb). This action also approves the Administrative Complaint and Order No. 753 dated August 22, 1985, as amended by Amended Administrative Order No. 752 dated May 9, 1986, and by Second Amended Administrative Order No. 753 dated November 12, 1986, issued by the Nebraska Department of Environmental Control. All other portions of the Omaha lead SIP have already been approved. This action results in the Nebraska lead SIP being completely approved.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 2, 1987. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Lead, Particulate matter, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of Nebraska was approved by the Director of the Federal Register on July 1, 1982.

Date: July 21, 1987.

Lee M. Thomas,
Administrator.

Title 40 of the Code of Federal Regulations Chapter I, Part 52, Subpart CC, is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart CC—Nebraska

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.1420 is amended by adding new paragraph (c)(35) to read as follows:

§ 52.1420 Identification of plan.

* * * * *

(c) * * *

(35) On February 2, 1987, Nebraska submitted revisions to the lead SIP for Omaha. The revisions contained a revised demonstration of attainment of the lead standard in Omaha, a revised control strategy to provide the lead

emission reductions claimed in the demonstration of attainment, and Administrative Order No. 753 dated August 22, 1985, as amended by Amended Administrative Order No. 753 dated May 9, 1986, and by Second Amended Administrative Order No. 753 dated November 12, 1986. All items in the revisions were approved.

(i) Incorporation by Reference
 (A) Administrative Order No. 753 dated August 22, 1985, issued by the

Nebraska Department of Environmental Control to ASARCO Incorporated.

(B) Amended Administrative Order No. 753 dated May 9, 1986, issued by the Nebraska Department of Environmental Control to ASARCO Incorporated.

(C) Second Amended Administrative Order No. 753 dated November 12, 1986, issued by the Nebraska Department of Environmental Control to ASARCO Incorporated.

(ii) Additional Material

(A) 1986 Revised Demonstration of Attainment and Control Measures for the Nebraska State Implementation Plan for Lead—Omaha, submitted by ASARCO Incorporated, October 3, 1986.

3. Section 52.1425(a) is amended by revising the last entry in the table to read as follows: § 52.1425 Compliance schedules.

(a) * * *

NEBRASKA—COMPLIANCE SCHEDULES

Source	Location	Regulation Involved	Date adopted	Variance expiration date	Final compliance date
ASARCO, Inc.	Omaha, NE	Nebraska DEC Second Amended Administrative Order NO. 753.	11/12/86	Not applicable	02/01/88

4. Section 52.1431 is amended by adding one column at the right side of the table under "Pollutant" with a column heading of "Lead" and adding "e. February 1, 1988," under Note 1.

§ 52.1431 Attainment dates for national standards.

* * * * *
 Note 1:
 * * * * *
 e. February 1, 1988.
 * * * * *

[FR Doc. 87-16952 Filed 7-31-87; 8:45 am]
 BILLING CODE 6560-50-M

40 CFR Part 261

[SW-FRL-3240-8]

Hazardous Waste Management System: Identification and Listing of Hazardous Waste: Final Denials

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) today is announcing its decision to deny the petitions submitted by Arvin Automotive, IN; Bayliner Marine Corp., WA; and Digital Equipment Corp., PR to exclude their wastes from the hazardous waste lists. This action responds to delisting petitions submitted under 40 CFR 260.20 and 260.22. These petitions are being denied because they are incomplete (i.e., the Agency does not have sufficient information to determine the hazardous or non-hazardous nature of the waste) despite several requests by the Agency for this information. The effect of this action is that all of this waste must continue to be handled as hazardous

waste in accordance with 40 CFR Parts 262 through 266, 270, 271, and 124.

EFFECTIVE DATE: August 3, 1987.

ADDRESSES: The public docket for these final petition denials is located in the Sub-basement, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, and is available for public viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays. Call (202) 475-9327 for appointments. The reference number for this docket is "F-87-03DF-FFFFF". The public may copy a maximum of 50 pages from any one regulatory docket at no cost. Additional copies cost \$.20/page.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424-9346, or at (202) 382-3000. For more information on this notice, contact Mr. Myles Morse, Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 382-4788.

SUPPLEMENTARY INFORMATION:

I. Background

A. Authority

Under 40 CFR 260.20 and 260.22 facilities may petition the Agency to remove their wastes from hazardous waste control by excluding them from the lists of hazardous waste contained at 40 CFR 261.31 and 261.32. Petitioners must provide sufficient information to EPA to allow the Agency to determine that (1) the waste to be excluded is non-hazardous based upon the criteria for which it was listed, and (2) that no other hazardous constituents are present in the wastes at levels of regulatory concern. Failure to provide sufficient information will result in denial of the petition.

The Agency requires certain information in order to fully evaluate whether the petitioned waste is hazardous. If a petitioner's initial submission is not complete, the Agency will formally or informally request the petitioner to submit the needed data. Acquisition and analysis of this additional information is necessary before a tentative determination (i.e., a proposal to exclude or deny a petition) can be made for the petitioned wastes. Most of this information is requested because of the changed requirements in the Hazardous and Solid Waste Amendments (HSWA) of 1984 (i.e., the Agency now must consider all factors, including additional constituents, if there is a reasonable basis to believe that these factors could cause the waste to be hazardous). If adequate data are not timely received, the Agency has no choice but to act to remove these petitions from the system.

B. Agency Decision

EPA proposed to deny a number of petitions to exclude certain wastes from the hazardous waste lists on November 20, 1985 (see 50 FR 47763-47765) and January 30, 1987 (see 52 FR 3029-3031). The proposed denials in November included Digital Equipment Corp. de Puerto Rico, located in San German, Puerto Rico.¹ The denials proposed in

¹ In that same Federal Register notice, the Agency also proposed to deny exclusion of specific wastes generated by 86 other petitioning facilities. Of these 86 other petitioners, 46 were denied final exclusion (see 51 FR 12148-12152, April 9, 1986); 12 petitions have either been withdrawn or considered moot; and eight petitions, for which additional information was submitted will be addressed in future Federal Register notices.